

Serial No. 10/720,737

Attorney Docket No. 13040-154A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Edward D. Lewis

Serial No. 10/720,737

Filed November 24, 2003

LIQUID-ACTIVATED

LIGHTED ICE CUBE

- ) Before the Examiner  
 ) Trinh Vo Dinh  
 ) Art Unit 2821  
 )  
 )

Date of Deposit: July 1, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

William E. Bahret, Reg. No. 31,087

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please consider the following in response to the Office action dated June 8, 2005. Please provide any extension of time which may be necessary and charge any fees which may be due for extra claims or otherwise, except for the issue fee, to Deposit Account No. 50-2176.

**REMARKS**

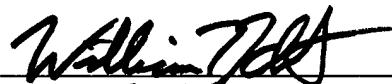
In response to the restriction requirement of the Office Action dated June 8, 2005, Applicant hereby elects the species of claims 1-10, drawn to a liquid-activated lighted artificial ice cube, with traverse.

It is respectfully submitted that restriction is not warranted in this application. In order for a restriction requirement between patentably distinct inventions to be proper, the inventions must be independent or distinct as claimed and there must be a serious burden on the examiner if restriction were not required. M.P.E.P §803. A *prima facie* showing of serious burden may be made by appropriate explanation of separate classification. In this case the Examiner has provided an indication of two classifications but without any explanation of how the two classifications cause a serious burden of identified for groups of claims cited in the Office Action, as permitted by M.P.E.P §808.02. It is respectfully submitted, however, that there will be no undue burden on the Examiner to examine all of the claims in the same application.

Applicant respectfully submits that all of the claims in the application are drawn to a liquid-activated lighted artificial ice cube, and the mere fact that the claims may be classified in more than one patent classification does not present a serious burden to the Examiner. Patent applications typically present multiple claims claiming different definitions of the same disclosed subject matter that may vary in breadth or scope of definition, as is the case in this application, necessitating the search of multiple patent classifications without need for restriction. If restriction requirements are proper merely because it may be shown that two or more claims in an application may be classified in two or more patent classifications, most patent applications would have to be made the subject of a restriction requirement, a precedent that should not be set. Applicant respectfully submits that the Examiner has not given an appropriate explanation as to his reason for insisting upon restriction in this application.

The Examiner is invited to call the undersigned attorney if there are issues relating to this election or any of the pending claims that can be addressed expeditiously by phone.

Respectfully submitted,

  
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